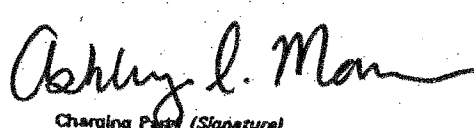


# **EXHIBIT A**

<b>CHARGE OF DISCRIMINATION</b>		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		<input type="checkbox"/> FEPA <input type="checkbox"/> EEOC	
_____ and EEOC			
State or local Agency, if any			
NAME (Indicate Mr., Ms., Mrs.)  Ms. Ashley L. Maner		HOME TELEPHONE (Include Area Code)  [REDACTED]	
STREET ADDRESS  [REDACTED]		CITY, STATE AND ZIP CODE  [REDACTED]	
		DATE OF BIRTH  [REDACTED]	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME LinKan, LLC	NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE (Include Area Code) 256-435-0900	
STREET ADDRESS 1503 Watson Way		CITY, STATE AND ZIP CODE Jacksonville, AL 36265	
		COUNTY Calhoun	
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	
		COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE EARLIEST (ADEA/FEPA)      LATEST (ALL)	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> AGE <input type="checkbox"/> RETALIATION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify)		June 18, 2010  <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
SEE EXHIBIT "A"			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.  I declare under penalty of perjury that the foregoing is true and correct.		NOTARY - (When necessary for State and Local Requirements)  I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
		SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	
Date _____ Charging Party (Signature) 			

**Ashley L. Maner**

**EXHIBIT A**

My name is Ashley L. Maner. I am a twenty-one (21) year-old white female. I believe that I have been discriminated against on the basis of my pregnancy.

I began working as a waitress at Fuji Japanese Cuisine ("Fuji") in Oxford, Alabama, in February of 2008. It is my understanding that Fuji is owned by LinKan, LLC. By the time of my termination, I reported to Sebastian Lin and Jennifer Lin, as well as William Crosby.<sup>1</sup> Sebastian is the son of the founders/owners of LinKan, LLC, and Jennifer is his wife. William Crosby is one of the restaurant's managers. From February of 2008 until June of 2010, neither the restaurant nor the company had any problems with my working there. I was never disciplined or written up, and things seemed to be going well.

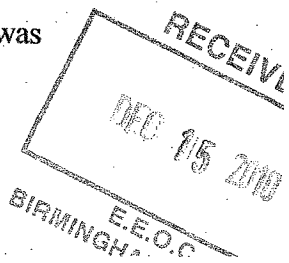
On June 17, 2010, I learned that I was pregnant. On June 18, 2010, the following day, I told everyone at work, and I informed Jennifer Lin, my manager, that I was pregnant. She immediately said to me, "After four months, you'll have to be let go." She was referring to four months into my pregnancy. When I asked why, Jennifer informed me that I could get hurt or fall down. I told her that I could just as easily fall down or get hurt before I was pregnant, so what was different now? Nonetheless, Jennifer told me that I would have to stop working in September because of my pregnancy, even though I wanted to continue working, and was medically able to do so. I informed her that firing someone due to pregnancy was illegal, but it made no difference to management. When I was getting close to my last day in September, I cried about having to leave and asked Jennifer to allow me to stay longer. She allowed me to stay until October 24, 2010, but no more than that. When she was making the last work schedule which would include me, I asked her if they would allow me to stay any longer, and offered to work as a hostess, rather than a waitress. Jennifer informed me that they would not keep me any longer, and that the October 24 day was final.

I asked for and received a letter from the company explaining why I was being let go, which I have attached to this charge as "Exhibit 1." The letter was prepared by William Crosby on September 30, 2010, and was signed by Jennifer Lin, whom I witnessed signing it. The letter states that I "will be released for work at Fuji japanese [sic] cuisine on October 24, 2010 by no fault of her own due to hazardous working conditions that could have a direct effect on her pregnancy." I did not leave voluntarily, and was made to leave even though I asked to keep working, even if I had to be a hostess, rather than a waitress. I asked my doctor if I was medically able to work, and he said that I was.

When I filed for unemployment, the company fought it, claiming that I had left voluntarily. At my unemployment hearing on December 6, 2010, William Crosby claimed that no one had made me stop working. He also claimed that he had asked me for a doctor's note clearing me to work, and that I had not provided it. That statement is untrue. No one at Fuji ever asked me for a doctor's

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<sup>1</sup>Mr. Crosby began working for Fuji after I did. He was originally a waiter, and was promoted to manager in the summer of 2010.



**Ashley L. Maner**

**Page Two**

note. The decision to terminate me for being pregnant had already been made. Mr. Crosby did, however, admit that he had created the September 30, 2010 letter.

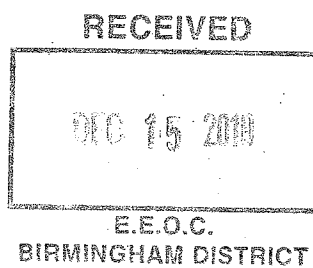
During my time working for Fuji, I witnessed one other incident where management informed a pregnant woman that her pregnancy was a problem, and unwelcomed. Ashley Stewart, who was also a waitress at Fuji, became pregnant. As she was four to five months along, and showing, Jennifer Lin informed Ms. Stewart that she, Jennifer Lin, and the other employees were uncomfortable around her, Ashley Stewart, due to her size. As a result, Ms. Stewart left the restaurant.

Fuji and the company have a history and pattern of mistreating employees, particularly foreign-born employees. The restaurant employs six to eight Hispanic men who clean, make repairs, and do anything asked of them. They work from 10 a.m. until 10 p.m. during week days, and 10 a.m. until 11 p.m. on the weekends, with only three short breaks to eat. If the Lins believe that one of the Hispanic employees has been sitting down too long, or is too lazy, they will threaten to send him back to Mexico. The men are only referred to as "amigos" until they have worked for the restaurant for a long time - at that point they can either pick a name that the Lins can pronounce, or the Lins pick a name for them.

I believe I have been discriminated against on the basis of my pregnancy, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*



Ashley Maner will be released for work at Fuji japanese cuisine on October 24, 2010 by no fault of her own due to hazardous working conditions that could have a direct effect on her pregnancy.



# **EXHIBIT B**

JDS  
MGM

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: Ashley L Maner  
[REDACTED]  
[REDACTED]From: Birmingham District Office  
Ridge Park Place  
1130 22nd Street, South  
Birmingham, AL 35205On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))EEOC Charge No.  
420 2011 00645EEOC Representative  
Glenda Bryan-Brooks,  
InvestigatorTelephone No.  
(205) 212-2137

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

[Signature of Delner Franklin-Thomas]

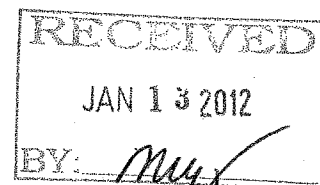
Delner Franklin-Thomas,  
District Director

Enclosures(s)

JAN 11 2012 +90 =

(Date Mailed)

04/10/12

cc: John D Saxon, Attorney  
Arthur F Fite, III, Attorney



# **INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

## **PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

## **PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

## **ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

## **ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**